

Transcript of the Testimony of

STEWART L. STOVER, JR.

December 2, 2022

AUGUST J. LEVERT, JR. FAMILY, LLC, ET AL v. BP AMERICA
PRODUCTION COMPANY



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| 1 | <p>18TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARY STATE OF LOUISIANA</p> <p>AUGUST J. LEVERT, JR. NO. 78953 FAMILY, LLC, ET AL DIVISION "A"</p> <p>VERSUS</p> <p>BP AMERICA PRODUCTION COMPANY</p> <p>VIDEOCONFERENCE AND VIDEOTAPED DEPOSITION OF STEWART L. STOVER, JR., 9334 Louisiana Highway 82, Abbeville, Louisiana 70510, taken via Zoom, in the above-entitled cause on the 2nd of December, 2022 commencing at 1:05 p.m.</p> <p>REPORTED BY: CHERIE' E. WHITE CCR (LA), CSR (TX), CSR (MS), RPR CERTIFIED COURT REPORTER</p> | 2 |
| 3 | <p>1 ALSO PRESENT:</p> <p>2 Brent Pooler</p> <p>3 John Frazier</p> <p>4 Court Van Tassell, Esq.</p> <p>5 Denice Redd-Robinette, Esq.</p> <p>6 Mark Deethardt, Esq.</p> <p>7 Matthew Greene, Esq.</p> <p>8 William Myers, Videographer, Depo-Vue</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | 4 |
| 1 | <p>1 APPEARANCES:</p> <p>2</p> <p>3 ATTORNEYS REPRESENTING THE PLAINTIFF, AUGUST J. 4 LEVERT, JR. FAMILY, LLC:</p> <p>5</p> <p>6 JONES SWANSON HUDDALL & DASCHBACH</p> <p>7 Pan American Life Center</p> <p>8 601 Poydras Street, Suite 2655</p> <p>9 New Orleans, Louisiana 70130</p> <p>10 Phone: 504.523.2500 Fax: 504.523.2508</p> <p>11 (BY: Kevin E. Huddell, Esquire)</p> <p>12 E-mail: khuddell@jonesswanson.com</p> <p>13</p> <p>14</p> <p>15 ATTORNEYS REPRESENTING THE DEFENDANT, BP AMERICA 16 PRODUCTION COMPANY:</p> <p>17</p> <p>18 LISKOW & LEWIS</p> <p>19 822 Harding Street</p> <p>20 Lafayette, Louisiana 70503</p> <p>21 Phone: 337.267.2319 Fax: 337.267.2399</p> <p>22 (BY: John S. Troutman, Esquire)</p> <p>23 E-mail: jtroutman@liskow.com</p> <p>24 (BY: George Arceneaux, Esquire)</p> <p>25 E-mail: garceneaux@liskow.com</p> | 2 |
| 1 | <p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 BY: PAGE</p> <p>4</p> <p>5 Mr. Huddell 6</p> <p>6</p> <p>7 EXHIBITS</p> <p>8</p> <p>9 NO. DESCRIPTION PAGE</p> <p>10</p> <p>11 Exhibit 1 Tab 3, Limited Admission 7</p> <p>12 Exhibit 2 Tab 5, Statewide Order 29-B 10</p> <p>13 Exhibit 3 SKIPPED</p> <p>14 Exhibit 4 3/31/16 HET Report, Figure 5 29</p> <p>15 Exhibit 5 SKIPPED</p> <p>16 Exhibit 6 10/2015 MW-4 Property Boundary 39</p> <p>17 Samples</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | 4 |

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1 S T I P U L A T I O N
 2
 3 IT IS HEREBY STIPULATED AND AGREED by and
 4 between counsel for the parties hereto that the
 5 deposition of the aforementioned witness is
 6 hereby being taken under the Louisiana Code of
 7 Civil Procedure, Article 1421, et seq., for all
 8 purposes, in accordance with law;
 9 That the formalities of reading and signing
 10 are specifically NOT waived;
 11 That the formalities of sealing,
 12 certification and filing are specifically waived;
 13 That all objections, save those as to form
 14 of the question and the responsiveness of the
 15 answer, are hereby reserved until such time as
 16 this deposition, or any part thereof, may be used
 17 or sought to be used in evidence.
 18
 19 * * * * *
 20
 21 CHERIE E. WHITE, Certified Court Reporter,
 22 in and for the Parish of Orleans, State of
 23 Louisiana, officiated in administering the oath.
 24
 25

7

1 A. Stewart L. Stover, Junior.
 2 Q. And you typically go by Smokey; is
 3 that right?
 4 A. That's correct.
 5 Q. Where do you currently reside?
 6 A. 9334 Louisiana Highway 82,
 7 Abbeville, Louisiana 70510.
 8 Q. How are you currently employed?
 9 A. As a geologist with
 10 Hydro-Environmental Technology.
 11 Q. Okay. We are taking your deposition
 12 today for the limited purposes of the limited
 13 admission, so I'll try to make this pretty --
 14 pretty quick.
 15 MR. HUDDLELL:
 16 The first thing I wanted to look at
 17 was the -- the limited admission in this
 18 case, which we have marked as Tab 3, Bill;
 19 and we will mark this as Exhibit 1.
 20 (Exhibit 1 to be marked.)
 21 BY MR. HUDDLELL:
 22 Q. Okay. Mr. Stover, have you seen
 23 this document before?
 24 A. No.
 25 Q. Okay. Are you aware that BP did a

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1 THE VIDEOGRAPHER:
 2 This deposition is being held via
 3 Zoom on December 2nd, 2022 at the time
 4 indicated on the video screen, which is
 5 1:05 p.m.
 6 Would counsel please introduce
 7 themselves?
 8 MR. HUDDLELL:
 9 Kevin Huddell and John Arnold on
 10 behalf of the plaintiffs.
 11 MR. TROUTMAN:
 12 John Troutman, George Arceneaux and
 13 Court Van Tassell on behalf of BP American
 14 Production Company.
 15 THE VIDEOGRAPHER:
 16 Would the court reporter please
 17 swear in the witness?
 18 STEWART L. STOVER, JR.,
 19 9334 LOUISIANA HIGHWAY 82, ABBEVILLE, LOUISIANA
 20 70510, after having first been duly sworn by the
 21 above-mentioned Court Reporter did testify as
 22 follows:
 23 BY MR. HUDDLELL:
 24 Q. Good afternoon, could you please
 25 state your full name for the record?

8

1 limited admission under Act 312 in this case?
 2 A. Yes.
 3 Q. Okay. Do you remember when you
 4 became aware of that?
 5 A. Probably a couple of months ago when
 6 we started developing the limited admission plan.
 7 Q. Were you involved in deciding
 8 whether to -- were you involved in deciding
 9 whether BP should or should not do a limited
 10 admission?
 11 A. No. I think that was a legal
 12 decision.
 13 Q. Okay. Did you have -- did you have
 14 any input as to what areas of the property for
 15 which BP should make a limited admission?
 16 A. Again, I think that was a legal
 17 decision.
 18 Q. Okay. But once that legal decision
 19 was made to have a limited admission, did -- did
 20 you have any input as to which parts of the
 21 property the limited admission would apply?
 22 A. Yes. We looked at the data; and
 23 from there, we suggested what areas should be
 24 made a limited admission on, yes.
 25 Q. Okay. And it looks like there were

9

1 three areas that were chosen; is that right?
 2 A. Yes.
 3 Q. And within Area 1, 2 and 3, there
 4 was a limited admission as to the groundwaters,
 5 correct?
 6 A. Correct.
 7 Q. And in Areas 2 and 3, there was also
 8 a -- an admission as to the soil; is that right?
 9 A. That's correct.
 10 Q. All right. I would like to go to
 11 page 4 of this document, PDF page 4 and
 12 paragraph 17. Do you see paragraph 17 on your
 13 screen?
 14 A. I do, yes.
 15 Q. All right. And it says "Pursuant to
 16 the provisions of Louisiana Code of Civil
 17 Procedure Article 1563 and Act 312, BP makes a
 18 limited admission of responsibility for
 19 environmental damage in limited admission Areas
 20 1, 2 and 3 depicted on the attached map,
 21 Exhibit A, and described as follows." Do you see
 22 that?
 23 A. Yes.
 24 Q. Okay. Are you familiar with the
 25 definition of environmental damage under Act 312?

11

1 (Complied).
 2 MR. HUDDLELL:
 3 Well, it's -- it's page 17 of the --
 4 of the -- of the order, but it's PDF
 5 page 23. It's about six pages further
 6 down, Bill.
 7 THE VIDEOGRAPHER:
 8 (Complied).
 9 MR. HUDDLELL:
 10 There we go.
 11 BY MR. HUDDLELL:
 12 Q. All right. And here we have
 13 definitions related to oilfield sites under
 14 Statewide Order 29-B; is that right?
 15 A. Yes.
 16 Q. And the definition of contamination
 17 is "The introduction of substances or
 18 contaminants into a groundwater aquifer, a USDW
 19 or soil in such quantities as to render them
 20 unusable for their intended purposes"; is that
 21 right?
 22 MR. TROUTMAN:
 23 Object to form.
 24 THE WITNESS:
 25 That's correct.

10

1 A. Not -- that's not a term that we
 2 use, but I think, again, it's a legal term, so
 3 no.
 4 Q. Okay. Are you -- are you familiar
 5 with the definition of contamination --
 6 A. Yes.
 7 Q. -- under -- okay. And you're aware
 8 of the definition of contamination under
 9 Statewide Order 29-B; is that right?
 10 A. That's correct, yes.
 11 MR. HUDDLELL:
 12 Okay. I'd like to mark as Exhibit 2
 13 Statewide Order 29-B, and that's Tab 5,
 14 Bill.
 15 (Exhibit 2 to be marked.)
 16 BY MR. HUDDLELL:
 17 Q. And I'd like to go to -- well, first
 18 of all, do you recognize this as the contents for
 19 29-B?
 20 A. Yes.
 21 Q. Okay. And I believe this particular
 22 version is November 2021.
 23 MR. HUDDLELL:
 24 Can we go to PDF page 23, Bill?
 25 THE VIDEOGRAPHER:

12

1 MR. HUDDLELL:
 2 All right. And -- and what was your
 3 objection there?
 4 MR. TROUTMAN:
 5 Calls for a legal conclusion.
 6 BY MR. HUDDLELL:
 7 Q. Okay. Mr. Stover, as an
 8 environmental professional, do you look to
 9 Statewide Order 29-B for -- well, for part of the
 10 work that you do in Louisiana?
 11 A. Yes.
 12 Q. Okay. And one of the things you
 13 look at is the definition of contamination,
 14 correct?
 15 A. Yes.
 16 Q. All right. And do you believe that
 17 there are substances or contaminants in -- in a
 18 groundwater aquifer or a USDW at such levels that
 19 render them unusable for their intended purposes?
 20 MR. TROUTMAN:
 21 Object to the form.
 22 THE WITNESS:
 23 No. I don't think we -- one, I
 24 don't think we have any aquifers. We have
 25 water-bearing zones, nor a USDW; and I

13

1 think that there's no constituents of
 2 concern that would render this property
 3 unusable for their intended purposes.
 4 BY MR. HUDDLELL:
 5 Q. Okay. And same question with
 6 respect to the soil. Do you believe there are
 7 substances or contaminants in the soil at such
 8 quantities that would render the soil unusable
 9 for its intended purpose at the -- at the Levert
 10 property?
 11 MR. TROUTMAN:
 12 Object to form.
 13 THE WITNESS:
 14 Mr. Pooler in our office will speak
 15 to all issues regarding soil to make it
 16 easier for you, Kevin.
 17 MR. HUDDLELL:
 18 Okay.
 19 THE WITNESS:
 20 I'll have no opinions on soil.
 21 BY MR. HUDDLELL:
 22 Q. Okay. All right. But with respect
 23 to the groundwater on the property, your opinion
 24 is that there is not contamination, correct?
 25 A. That's correct.

15

1 A. It is. He was the architect of it,
 2 but I also managed it and directed it as well, so
 3 that's -- that would be what I would comment on
 4 the groundwater.
 5 Q. Okay. Have you had a chance to
 6 review Dr. Cooper's testimony in this case?
 7 A. I have not.
 8 Q. Okay. He -- he testified that if
 9 the -- if -- if HET's recap standards that -- let
 10 me restate that.
 11 If the RECAP standards for
 12 groundwater that HET has developed for the
 13 property are accepted by the DNR, then no
 14 remediation of the groundwater would be
 15 necessary. Do you -- do you agree with that?
 16 MR. TROUTMAN:
 17 Object to form.
 18 THE WITNESS:
 19 Yes.
 20 BY MR. HUDDLELL:
 21 Q. Okay. And so -- and so, for
 22 example, I believe that the RECAP standard that
 23 HET came up with for chlorides was about
 24 110,000 milligrams per liter; does that sound
 25 right?

14

1 MR. TROUTMAN:
 2 Object to form.
 3 THE WITNESS:
 4 That is correct. Yeah.
 5 BY MR. HUDDLELL:
 6 Q. Okay. And as a -- as an
 7 environmental professional who's familiar with
 8 the definition of contamination under 29-B, your
 9 opinion would be that there's no contamination of
 10 the groundwater at the Levert property, correct?
 11 MR. TROUTMAN:
 12 Object to form.
 13 THE WITNESS:
 14 That's correct.
 15 BY MR. HUDDLELL:
 16 Q. All right. Do you believe that
 17 there's any remediation necessary for any of the
 18 groundwater at the Levert property?
 19 A. The limited admission plan has
 20 proposed a form of remediation to go in
 21 conjunction with the soil remediation of the --
 22 the pit in the limited areas -- limited admission
 23 Areas 1, 2 and 3.
 24 Q. And -- and is that Dr. Cooper's
 25 area, the remediation of the groundwater?

16

1 A. That's correct.
 2 Q. Okay. And there's no place on the
 3 Levert property where there's --
 4 MR. TROUTMAN:
 5 Kevin?
 6 BY MR. HUDDLELL:
 7 Q. -- chloride levels --
 8 MR. TROUTMAN:
 9 We are having trouble hearing you,
 10 Kevin.
 11 MR. HUDDLELL:
 12 Okay. Can you-all hear me now?
 13 MR. TROUTMAN:
 14 Yes.
 15 THE WITNESS:
 16 Yes. Much better.
 17 MR. HUDDLELL:
 18 Okay. Sorry. I don't know what was
 19 wrong there.
 20 BY MR. HUDDLELL:
 21 Q. Okay. So the -- the -- the RECAP
 22 standard that HET developed for chlorides for the
 23 Levert property is 110,000 milligrams per liter,
 24 correct?
 25 A. That's correct.

17

1 Q. And there's no a place on the Levert
 2 property where the chlorides even really
 3 approaches that level, correct?
 4 MR. TROUTMAN:
 5 Object to form.
 6 THE WITNESS:
 7 That's correct.
 8 BY MR. HUDDLELL:
 9 Q. Okay. So in your opinion, just like
 10 Dr. Cooper, there's no need for any remediation
 11 of the groundwater, correct?
 12 MR. TROUTMAN:
 13 Object to form.
 14 THE WITNESS:
 15 That's correct. But we are doing
 16 above and beyond. Any time we close pits
 17 and manipulate soil, we always go into a
 18 monitoring program to make sure that our
 19 soil closures are successful and there's
 20 no change in any groundwater conditions.
 21 BY MR. HUDDLELL:
 22 Q. That's right. And I've seen -- I've
 23 seen that in many of your plans before. What was
 24 different in this one is that -- that you
 25 referred to it as monitored natural attenuation

19

1 A. You know, Kevin, that's been a
 2 while. I haven't looked at that data, so I'm
 3 really not in a position to answer that. I'm
 4 sorry.
 5 Q. Are you aware that HET, on behalf of
 6 BP and a couple of other defendants in the school
 7 board case, have requested closure of -- of the
 8 school board site?
 9 A. Yes. I think Mr. Pooler and others
 10 at HET have done extensive remediation of -- of
 11 soil in that area and have monitored the data,
 12 the groundwater data for several years; and I
 13 think they are -- they have petitioned the state
 14 for site closure, yes.
 15 Q. And in the school board case with
 16 respect to the groundwater, there was no
 17 remediation done, correct?
 18 MR. TROUTMAN:
 19 Object to form.
 20 THE WITNESS:
 21 That's correct. Just monitoring and
 22 -- and observing the monitoring, the
 23 natural attenuation of the soils, the
 24 groundwater. Excuse me.
 25 BY MR. HUDDLELL:

18

1 and -- and you referred to it as remediation. Is
 2 that -- was that your idea or was that
 3 Dr. Cooper's idea to call it that?
 4 MR. TROUTMAN:
 5 Object to form.
 6 THE WITNESS:
 7 It's -- it was both of ours. It is
 8 an active form of remediation and -- and
 9 monitored natural attenuation seems to be
 10 the direction in which the -- the
 11 regulators, the US EPA and others are
 12 going into monitoring situations and
 13 watching natural attenuation occur in all
 14 various types of chemicals, constituents
 15 of concern.
 16 BY MR. HUDDLELL:
 17 Q. Now, you were -- you were involved
 18 in the Iberville Parish School Board case,
 19 correct?
 20 A. Correct.
 21 Q. Generally, would you agree that the
 22 constituents of concern that were found in the
 23 groundwater on the Iberville Parish School Board
 24 site were higher than the constituents of concern
 25 that have been found on the Levert property?

20

1 Q. Okay. And how is that different
 2 from what you are proposing for the Levert site?
 3 A. It's typically the same. We have a
 4 little more institutional controls on the
 5 groundwater once we put in our eight wells, if
 6 the department requests that; and we'll have a
 7 good control on the groundwater flow and the
 8 quality of the water within the wells.
 9 Q. And what do you mean a better handle
 10 on the institutional controls?
 11 A. When you take water quality samples,
 12 you can look at the chloride, bromide ratios, you
 13 know, what water quality and water chemistry
 14 within the groundwater you collect as well.
 15 Q. And that's -- that's not something
 16 that you did on the school board property?
 17 A. No. I think we just sampled normal
 18 chemistry and looked at -- looked at just the
 19 chloride levels and whatever other normal
 20 parameters we were looking at. I think when
 21 you're moving to monitoring natural attenuation,
 22 you start looking at different things and more
 23 detailed analysis, if you will; and that'll be
 24 Dr. Cooper's division as well.
 25 Q. Okay. Would -- would you agree that

21

1 monitoring natural attenuation is typically done
 2 for a minimum of five years?
 3 MR. TROUTMAN:
 4 Object to form.
 5 THE WITNESS:
 6 No. I think it's -- it has a --
 7 everything is based on a case by case and
 8 site by site and it's depending on the
 9 geology, the concentrations and the
 10 groundwater data.
 11 BY MR. HUDDALL:
 12 Q. Okay. Well, how long do you propose
 13 to monitor the groundwater on the Levert
 14 property?
 15 A. I would think that we will petition
 16 for closure probably after four quarters of data
 17 after completion of the -- the soil remedial
 18 efforts. Basically what we will do is we will
 19 conduct the soil, the remedial efforts first,
 20 probably install the wells before we do the soil
 21 work, so we'll have a -- a baseline and then do
 22 the soil work and then from that point after the
 23 soil work is complete, we'll -- we'll monitor it
 24 for a one-year -- four quarters or a one-year
 25 period.

23

1 THE WITNESS:
 2 That's correct.
 3 BY MR. HUDDALL:
 4 Q. Okay. You just decided to call it
 5 monitored natural attenuation for the Levert
 6 property, but you didn't call it that for the
 7 school board property, right?
 8 MR. TROUTMAN:
 9 Object to form.
 10 THE WITNESS:
 11 I think we just didn't have a
 12 technical name for it, but we are doing
 13 the same thing; and it would be monitored
 14 natural attenuation in conjunction with a
 15 pit closure on the Iberville Parish School
 16 Board property. We hadn't put a proper
 17 name on it.
 18 BY MR. HUDDALL:
 19 Q. For the school board -- I'm sorry.
 20 For the Levert property, you're not going to
 21 remove any constituents of concern from the
 22 groundwater, correct?
 23 MR. TROUTMAN:
 24 Object to form.
 25 THE WITNESS:

22

1 Q. Okay. So the monitored natural
 2 attenuation is proposed to -- to last
 3 approximately one year, correct?
 4 A. For the regulatory closure of the
 5 property. We think it's at that condition now.
 6 We are just putting the -- the cherry on top of
 7 the ice cream with the -- the monitor wells and
 8 the monitoring after completion of the soil work.
 9 Q. How long did you monitor the
 10 groundwater on the Iberville Parish School Board
 11 property?
 12 A. It will be less than a year after
 13 soil work. We did the soil work in -- in this
 14 year, 2022. We did monitor it before, but I
 15 think that is baseline data. The trigger is once
 16 the remediation of the soil has been conducted,
 17 it's one year after that.
 18 Q. Okay. And, you know, as far as --
 19 as far as how you're addressing the groundwater
 20 on the proposed -- in the proposed plan for the
 21 Levert property, how -- it's -- it's basically
 22 the same as what you -- you did on the school
 23 board property, right?
 24 MR. TROUTMAN:
 25 Object to form.

24

1 That's correct.
 2 BY MR. HUDDALL:
 3 Q. Is there -- is there some -- is
 4 there any chance that you will be on the Levert
 5 property -- is there any chance that that will
 6 lead to any sort of active removal of
 7 contaminants from the groundwater?
 8 A. At this time, no, Kevin.
 9 Q. And why is that?
 10 A. Because the concentrations in the
 11 highest well are already at closure standards, so
 12 there would be no need to remove any constituents
 13 of concern because they are below remedial
 14 standards.
 15 Q. Did you have any involvement with
 16 determining the property boundaries for either
 17 the school board property or the Levert property?
 18 A. No.
 19 Q. Who at HET would have determined the
 20 property boundaries?
 21 A. Mr. Pooler.
 22 Q. Do you know what data he relied on
 23 for the property boundaries?
 24 A. You probably have to ask him. I
 25 would think it would be public records, though,

25

1 and information received from others and third
 2 parties.
 3 Q. Are you aware that in the beginning
 4 stages of the closure plan for the school board
 5 property in 2017 there was a proposal to put a
 6 monitoring well on the Levert property?
 7 A. Yes. I heard that, yes.
 8 Q. So at least as of 2017, you're aware
 9 of the potential for there to be migration onto
 10 the Levert property; is that right?
 11 MR. TROUTMAN:
 12 Object to form.
 13 THE WITNESS:
 14 I think it was part of our
 15 delineation program and the well that we
 16 wanted to install was ended up installed
 17 by Mr. Miller at ICON and it turned out to
 18 the LT-1 well.
 19 BY MR. HUDDLELL:
 20 Q. Okay. Did you ever notify anyone at
 21 BP of the potential for migration from the school
 22 board property to the Levert property --
 23 MR. TROUTMAN:
 24 Object to form.
 25 BY MR. HUDDLELL:

27

1 Object to form.
 2 THE WITNESS:
 3 Yes.
 4 BY MR. HUDDLELL:
 5 Q. Okay. And why were you surprised?
 6 A. It just looked like -- I didn't
 7 think it would migrate in a natural setting to
 8 that -- to that direction.
 9 Q. Does HET ever look at GEM data in
 10 doing any of its analyses on property in
 11 Louisiana?
 12 A. We looked at ICON's GEM data. It's
 13 not a practice of HET to use a GEM, to use the
 14 GEM data.
 15 Q. Do you -- do you find that the GEM
 16 data that ICON generates to generally be
 17 reliable?
 18 A. In some cases, yes. It really is
 19 dependent upon soil moisture, the content of the
 20 clay, content of the silt, because it has a lot
 21 of variables involved; if there's any metal lines
 22 in the area. It's just -- it's -- I would say it
 23 is 50 percent reliable.
 24 MR. HUDDLELL:
 25 Okay. Could we take a five-minute

26

1 Q. -- in the groundwater?
 2 A. No.
 3 Q. Did you -- in 2017 when you had a
 4 proposal to delineate onto the Levert property,
 5 did you advise BP of that potential at that time?
 6 MR. TROUTMAN:
 7 Object to form.
 8 THE WITNESS:
 9 No.
 10 BY MR. HUDDLELL:
 11 Q. Okay. You would have at least sent
 12 your proposed delineation plan in 2017 to BP's
 13 attorneys first, correct?
 14 MR. TROUTMAN:
 15 Object to form.
 16 THE WITNESS:
 17 You would have to -- that's 2017.
 18 You probably would have to ask that to
 19 Mr. Pooler. I would think that's more his
 20 area of expertise.
 21 BY MR. HUDDLELL:
 22 Q. Were you at all surprised that there
 23 were elevated levels of chlorides at LT-1 on the
 24 Levert property when it finally got sampled?
 25 MR. TROUTMAN:

28

1 break?
 2 MR. TROUTMAN:
 3 Sure.
 4 MR. HUDDLELL:
 5 Okay. Thanks.
 6 THE VIDEOGRAPHER:
 7 We are going off the record. It is
 8 1:32 p.m.
 9 (A short recess was taken.)
 10 THE VIDEOGRAPHER:
 11 We are back on the record. It is
 12 now 1:41 p.m.
 13 BY MR. HUDDLELL:
 14 Q. Okay. Mr. Pooler, do you see what
 15 we have put on the screen?
 16 A. Mr. Stover. Yes.
 17 Q. What did I say, Mr. Pooler? Sorry.
 18 A. I'll take that as a compliment, by
 19 the way, Kevin. I'm fine with that.
 20 Q. Okay. And I'll, I guess, go to the
 21 first page of this. This -- this is HET's site
 22 assessment report for the school board case dated
 23 March 31st, 2016. Do you see that?
 24 A. Yes.
 25 Q. And I'm going to go up --



| | | | |
|----|--|----|--|
| 29 | <p>1 MR. HUDDALL:</p> <p>2 We will mark this -- I think, what,</p> <p>3 we are at Exhibit 4? All right. So this</p> <p>4 will be Exhibit 4, and I'll send this over</p> <p>5 to you-all, but this is -- this is</p> <p>6 Figure 5 from the March 31st, 2016 HET</p> <p>7 report, okay.</p> <p>8 (Exhibit 4 to be marked.)</p> <p>9 BY MR. HUDDALL:</p> <p>10 Q. Are you -- do you recall this figure</p> <p>11 at all, Mr. Stover?</p> <p>12 A. Yes. I should. It's been a while,</p> <p>13 but it looks familiar to me.</p> <p>14 Q. Okay. And so it appears that there</p> <p>15 was a sample location SB-9. There are two SB-9s.</p> <p>16 One is just a hand auger location and one -- one</p> <p>17 is a -- one also includes -- included a</p> <p>18 monitoring well.</p> <p>19 And do you see that at least</p> <p>20 according to HET's mapping that is -- that's</p> <p>21 right on the boundary of the -- the school board</p> <p>22 and Levert property; do -- do you agree with</p> <p>23 that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And then SB-10 appears to be</p> | 30 | <p>1 a boring location and a hand auger location that</p> <p>2 is slightly on the -- the Levert property,</p> <p>3 correct?</p> <p>4 A. Supposed to be, yes.</p> <p>5 Q. Okay. And then in between those</p> <p>6 two, there's also SB-9 hand auger location; is</p> <p>7 that -- is that right?</p> <p>8 A. Yes. As we look at the map,</p> <p>9 correct.</p> <p>10 Q. Okay. So -- so now if we look at --</p> <p>11 if we look at this table from your March 31st,</p> <p>12 2016 report, do you -- do you recognize this as</p> <p>13 one of the tables from that report?</p> <p>14 A. Yeah. This is from ICON's</p> <p>15 investigation, yes.</p> <p>16 Q. Okay. At SB-9, which was right on</p> <p>17 the property boundary, you can see that the 11-</p> <p>18 to 16-foot interval when ICON tested, they found</p> <p>19 chlorides at 13,200 milligrams per liter,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. HET's split sample showed</p> <p>23 11,600-milligrams per liter of chlorides,</p> <p>24 correct?</p> <p>25 A. Correct.</p> |
| 31 | <p>1 Q. All right.</p> <p>2 A. Then our filtered -- then our</p> <p>3 filtered sample, which is the third column, was</p> <p>4 not received yet. That's the sample we need to</p> <p>5 look at.</p> <p>6 Q. Okay. Now, does -- does -- it looks</p> <p>7 like the N/A, that would just be not -- not</p> <p>8 applicable, right, that it wasn't tested?</p> <p>9 A. Yeah. I -- I guess we have to ask</p> <p>10 Mr. Pooler. I -- I guess it's not available is</p> <p>11 how I see it, so it -- it -- we had not received</p> <p>12 it from the laboratory.</p> <p>13 Q. Okay. Or -- or it just -- it wasn't</p> <p>14 tested. I mean, this was June -- June 11th, 2015</p> <p>15 was the date of the sample, so -- and the report</p> <p>16 was, what, about nine months later?</p> <p>17 A. Right. Right.</p> <p>18 Q. Okay. So -- so it's likely that it</p> <p>19 just -- no filtered sample was -- was taken</p> <p>20 for the --</p> <p>21 A. Okay.</p> <p>22 Q. -- there; would you agree with that?</p> <p>23 A. Yeah. Because this is ICON's</p> <p>24 investigation. They don't ever filter their</p> <p>25 samples. That's right. Okay. That would make</p> | 32 | <p>1 sense. I thought -- thought it was ours.</p> <p>2 Correct.</p> <p>3 Q. Okay. All right. So you would</p> <p>4 agree that at SB-9 we've got chlorides above the</p> <p>5 natural background level, correct?</p> <p>6 A. In unfiltered samples. I would -- I</p> <p>7 would like to -- is our data available to look at</p> <p>8 in this area or our wells?</p> <p>9 Q. Yeah. Yeah.</p> <p>10 A. Let's see what we had. Just if you</p> <p>11 could go to the groundwater analytical summary --</p> <p>12 I guess we need to go to our map that shows our</p> <p>13 -- we -- we should have had a well in the</p> <p>14 vicinity and look at our results. Let's see what</p> <p>15 those numbers are, if you don't mind.</p> <p>16 THE VIDEOGRAPHER:</p> <p>17 Is that Tab 9, Kevin?</p> <p>18 MR. HUDDALL:</p> <p>19 Well, let's see. I'm going to get</p> <p>20 the right map. Okay. Let me -- let me</p> <p>21 try this.</p> <p>22 BY MR. HUDDALL:</p> <p>23 Q. Now, this doesn't have the property</p> <p>24 boundary line --</p> <p>25 A. Right.</p> |

| | |
|---|--|
| <p style="text-align: right;">33</p> <p>1 Q. -- but it does show that MW-4 is 2 basically along the same line as -- as SB-9? 3 A. Right. Right. 4 Q. Okay. And it says -- 5 A. Right. I agree. 6 Q. All right. And MW-4 on the property 7 boundary, the sample was taken it appears in 8 October of 2015; is that right? 9 A. Right. Right, right, right, right. 10 Q. Okay. It looks like, again, you 11 didn't do filtered? 12 A. Filtered, that's right. Okay. 13 Q. All right. 14 A. Okay. 15 Q. But there you -- you got 16 3,870 milligrams per liter and -- and I guess 17 ICON got a little bit -- a little bit over that, 18 but -- 19 A. Right. 20 Q. -- but would you agree that 21 3,870 milligrams per liter is -- is above the 22 natural background for chlorides in this area? 23 A. Yes, but below the RECAP standard, 24 that's correct. 25 Q. Below -- below the</p> | <p style="text-align: right;">34</p> <p>1 110,000 milligrams per liter RECAP standard, 2 right? 3 A. That's correct. 4 Q. Do you know what the chloride 5 content of -- of seawater is? 6 A. Probably 32,000, something like 7 that, 32,7 parts per million. 8 Q. Okay. So basically if you had, you 9 know, pure seawater in the -- in the groundwater, 10 you know, that would -- that would not bust the 11 RECAP standard that you-all calculated, correct? 12 A. That's correct. 13 Q. Okay. And, in fact, produced 14 water -- you know, I guess the most I've ever 15 seen is maybe around a hundred thousand 16 milligrams per liter chlorides; does that sound 17 about right? 18 MR. TROUTMAN: 19 Object to form. 20 THE WITNESS: 21 I've never seen it that high, but 22 yes. It's above seawater. 23 BY MR. HUDDLELL: 24 Q. And I don't know that I've seen it 25 that high, but I know I've seen 70,000 milligrams</p> |
| <p style="text-align: right;">35</p> <p>1 per liter for -- for produced water. Does that 2 sound like a typical kind of value to you? 3 MR. TROUTMAN: 4 Object to form. 5 THE WITNESS: 6 Oh, that's -- you're kind of outside 7 my realm there. 8 BY MR. HUDDLELL: 9 Q. Got you. Okay. Okay. 10 A. That would be more of a petroleum 11 engineer. 12 Q. All right. But anyway, your RECAP 13 standard for -- for chlorides is -- is much 14 higher than we see in ocean water or produced 15 water, correct? 16 MR. TROUTMAN: 17 Object to form. 18 THE WITNESS: 19 Yes. But it's the calculated 20 standard. 21 BY MR. HUDDLELL: 22 Q. Got you. And then this also -- this 23 also shows the SB-9 value where HET got 24 11,600 milligrams per liter for chlorides, 25 correct?</p> | <p style="text-align: right;">36</p> <p>1 A. Correct. 2 Q. All right. And Dr. Cooper testified 3 that the driving force for migration of 4 constituents in the groundwater at this site is 5 diffusion. Do you agree with that? 6 MR. TROUTMAN: 7 Object to form. 8 THE WITNESS: 9 Yes. And the hydraulic mounding of 10 the former pit of the source of the 11 contamination. 12 BY MR. HUDDLELL: 13 Q. Okay. And -- and can you explain 14 that process? 15 A. Sure. When you -- you know, if you 16 -- if you would have the figure we are looking 17 at, we could draw a square where the former pit 18 was. It would be just a little bit west of both 19 SB-9 and MW-4. And when that pit was 20 functioning, it had, you know, chlorides and 21 hydrocarbons in it and the depth of it was 22 probably 4 to 6 feet excavated down. And then 23 once you put rainwater and freshwater on top of 24 those constituents, it's a hydraulic force going 25 downward that allows water movement in all four</p> |

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1 directions, and that's what I would call
 2 hydraulic mounding. And through the process of
 3 mounding, you do get the -- the movement and the
 4 dispersion of the chlorides into the shallow
 5 water-bearing zones.
 6 Q. Okay. So now, Dr. Cooper didn't
 7 mention the mounding. He -- he said the -- he
 8 talked about the potentiometric map, how it
 9 basically showed the water movement was -- was
 10 rather negligible at this location; but so he
 11 said that diffusion was -- was the reason that
 12 the chlorides have migrated from the parish
 13 school board property to the limited admission
 14 Area 1 on the Levert property; does that --
 15 MR. TROUTMAN:
 16 Object to form.
 17 BY MR. HUDDLELL:
 18 Q. Does that -- would you agree with
 19 that?
 20 A. I would agree with that and also the
 21 -- again, the hydraulic mounding of the pit as
 22 the source --
 23 Q. Okay.
 24 A. -- putting those chlorides in the
 25 location of these monitoring wells we are

39

1 THE WITNESS:
 2 Right.
 3 BY MR. HUDDLELL:
 4 Q. Okay. And, again, that's right on
 5 the property --
 6 A. Correct.
 7 Q. -- boundaries, right? All right.
 8 So -- so given that the migration constituents is
 9 -- is driven primarily by diffusion, it -- the
 10 chloride values we are finding at LT-1, it's
 11 pretty clear that those came from the -- the
 12 parish school board property; is that right?
 13 A. It appears that, yes.
 14 MR. HUDDLELL:
 15 All right. That's all the questions
 16 I have.
 17 THE VIDEOGRAPHER:
 18 Kevin, is this Exhibit 6?
 19 MR. HUDDLELL:
 20 Oh, yeah. Let's -- let's make this
 21 Exhibit 6.
 22 THE VIDEOGRAPHER:
 23 Anybody else?
 24 MR. TROUTMAN:
 25 Nope. Thank you, Kevin. Have a

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1 discussing.
 2 Q. Okay. All right. And okay. So
 3 let's see. We also have at MW-4, HET did
 4 analysis of TPH DRO, which is diesel range
 5 organics, and came up with .494 milligrams per
 6 liter; is that right?
 7 A. That's correct. And, again, that's
 8 whole -- but once you fractionate that analysis
 9 -- and, again, Mr. Pooler is our RECAP expert in
 10 this case and he will testify to this.
 11 Once you run the proper analysis on
 12 the TPH DRO, it's called fractionation; and those
 13 analysis came back all below any kind of
 14 screening standard for those analysis.
 15 Q. Okay. And at SB-9, when it sent a
 16 split sample to the lab, it's -- it got it looks
 17 like .556 milligrams per liter for TPH diesel
 18 range?
 19 MR. TROUTMAN:
 20 Can you Zoom in on that, Kevin, so
 21 we can --
 22 MR. HUDDLELL:
 23 Sure. I'll try. All right. To me,
 24 it looks like .566 (sic) milligrams per
 25 liter for.

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1 good weekend everybody.
 2 THE VIDEOGRAPHER:
 3 This concludes the deposition of
 4 Stewart Stover. We are going off the
 5 record. It is now 1:59 p.m.
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1 CORRECTION SHEET

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20 WITNESS: STEWART L. STOVER, JR.

21 TAKEN ON: DECEMBER 2, 2022

22 BY: CHERIE' E. WHITE, CCR (LA NO. 96002)

23 CSR (TX NO 10720)

24 CSR (MS NO. 1514)

25 RPR (NATIONAL NO. 839452)

42

1 WITNESS CERTIFICATE

2

3

4 I, STEWART L. STOVER, JR., do hereby

5 certify that the foregoing testimony was given by

6 me, and the transcription of said testimony, with

7 corrections and/or changes, if any, is true and

8 correct as given by me on the aforementioned

9 date.

10

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14 _____

14 DATE SIGNED (Witness' Signature)

15

16

17

18 Signed with corrections as noted.

19

20 Signed with no corrections as noted.

21

22

23

24

25 DATE TAKEN: December 2, 2022

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1 REPORTER'S PAGE

2 I, CHERIE' E. WHITE, Certified Court

3 Reporter, in and for the State of Louisiana, the

4 officer, as defined in Rule 28 of the Federal

5 Rules of Civil Procedure and/or Article 1434(B)

6 of the Louisiana Code of Civil Procedure, before

7 whom this sworn testimony was taken, do hereby

8 state on the record;

9 That due to the interaction in the

10 spontaneous discourse of this proceeding, dashes

11 (--) have been used to indicate pauses, changes

12 in thought, and/or talkovers; that same is the

13 proper method for the court reporter's

14 transcription of a proceeding, and that dashes

15 (--) do not indicate that words or phrases have

16 been left out of this transcript; also, that any

17 words and/or names which could not be verified

18 through reference material have been denoted with

19 the phrase "(spelled phonetically)."

20

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25 RPR (NATIONAL NO. 839452)

44

1 REPORTER'S CERTIFICATE

2

3 This certification is valid only for a

4 transcript accompanied by my original signature

5 and original seal on this page.

6 I, CHERIE' E. WHITE, Certified Court

7 Reporter, in and for the State of Louisiana, do

8 hereby certify that Stewart L. Stover, Jr., to

9 whom the oath was administered, after having been

10 duly sworn by me upon authority of R.S. 37:2554,

11 did testify as hereinbefore set forth in the

12 foregoing 44 pages; that this testimony was

13 reported by me in the stenotype reporting method,

14 was prepared and transcribed by me or under my

15 personal direction and supervision, and is a true

16 and correct transcript to the best of my ability

17 and understanding; that I am not related to

18 counsel or the parties herein, nor am I otherwise

19 interested in the outcome of this matter.

20

21

22 CHERIE' E. WHITE, CCR (LA NO. 96002)

23 CSR (TX NO. 10720)

24 CSR (MS NO. 1514)

25 RPR (NATIONAL NO. 839452)

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